UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DWIGHT WHITE, Plaintiff

Vs.

TYRONE J. HEMPHILL,

Defendant

Civil Action No.

Hon.

Magistrate

EDWARD M. MILLER (P-17753)
Attorney for Plaintiff
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Bingham Farms, MI 48025
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COMPLAINT

1. The Parties to This Complaint

A. The Plaintiff

Name: Dwight White

Street Address: 20137 Stratford

City and County: Detroit, Wayne County

State and Zip Code: Michigan 48221

Telephone number: 313-676-7738

Email address: dwhite5713@gmaiol.com

B. The Defendant

Name: Tyrone J. Hemphill

Job or Title: Producer of Stage Play

Street Address: 100 Riverfront Dr., #2006

City and County: Detroit, Wayne County

State and Zip Code Michigan 48226

Telephone number: 313-926-0754

Email address: unk

II Basis for Jurisdiction: 28 U.S.C. §1338 (a);

venue is proper under 28 U.S.C. §1400 (a).

III Statement of Claim:

1. Plaintiff is the owner of the copyright in a motion picture created by himself, titled “POPE”. A copy of his certification of registration (using his full legal name “Hilliard Dwight White”) is attached and is incorporated as if set forth verbatim herein.

2. The said motion picture contains, amongst other things, 3 scenes depicting urban violence and its consequences.

3. In the period March-April 2017, defendant Hemphill, who was scheduled to present a stage play produced by him and entitled “Perilous Times,” at the Fisher Theater in Detroit, caused there to be broadcast on Fox TV, channel 2, Detroit, and possibly in other media, a “trailer,” or commercial advertisement, calculated and intended to induce persons in the Detroit television market area to purchase tickets to attend one of the performances of said stage play, on April 7th, 8th, and/or 9th, 2017.

4. An important and prominent feature of the said “trailer” or commercial advertisement, were exact copies of the said 3 scenes from plaintiff’s copyrighted motion picture, “POPE” that depicted urban violence and its consequences.

5. Defendant never requested, nor ever received permission from plaintiff to utilize any portion of plaintiff's copyrighted motion picture, and particularly the said 3 scenes.

6. By mail, known to have been received by defendant prior to the first showing of "Perilous Times," (copy attached), plaintiff made known to defendant his copyright and its applicability to the promotion and advertising of defendant's said stage play, and demanded an accounting of all revenues realized by use of the extracts from his motion picture "POPE".

7. Defendant has never provided any accounting to plaintiff of the revenues realized from defendant's unlicensed use of extracts from "POPE".

8. Upon information and belief, plaintiff is informed that defendant repeated his promotion of his stage play "perilous Times," in New York and possibly other metropolitan statistical areas, at or near the Easter Season 2017, for which he has likewise failed to provide any accounting to plaintiff and, in all likelihood will continue to do so in the future.

IV Relief:

Wherefore, plaintiff asks that the court order a full and complete disclosure and accounting by defendant of all revenues from the advertising and presentation, in all venues in which defendant has used plaintiff's copyrighted materials and/or any part thereof, and that he identify all advertising agencies and media who/which acted in concert with him in the infringement of plaintiff's said copyright, and grant plaintiff a judgment in the full amount of the revenues wrongfully gotten by defendant and his advertising agencies and media from infringement and use of plaintiff's copyrighted materials.

In the alternative, plaintiff asks that the court award to him the "statutory damages" enumerated in 17 U.S.C. §504 (c), including the damages for wilful infringement, of $150,000 or such other amount as the court shall deem appropriate.

Plaintiff also asks for judgment interest, of reasonable attorney's fees and taxable costs, under U.S.C. §505.

Date: May 2017.

/s/ EDWARD M. MILLER (P-17753)
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